THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.2632 of 2006

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Dated: February 16, 2006

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Between:

Kola Jojamma, W/o. K. Prasad,

Aged 39 years, Occ: Councilor,

Ward No.XII, Parvatipuram Municipality,

R/o. Indira Harijan Colony, Parvatipuram,

Vizianagaram District. A.P.

… Petitioner

And

The Principal Secretary to Government

of Andhra Pradesh, Municipal Administration

and Urban Development Department,

Andhra Pradesh, Hyderabad, and another.

… Respondents

Order:

In this Writ Petition, the petitioner, a Councilor elected to the Parvathipuram Municipality, is seeking direction by way of Writ of Mandamus to declare the action of the first respondent-Government, in not implementing the resolution dated 24-12-2005 in Resolution No.30, as illegal and arbitrary.

2. It is the case of the petitioner that the Commissioner of Municipality has not discharged his duties, which resulted in lapse of some funds, which were sanctioned for the developmental activities in the municipality. In that view of the matter, the Municipal Council passed resolution on
24-12-2005 and in spite of the same, no action has been taken. Hence, the present writ petition has been filed.

3. After passing of the resolution, when it is brought to the notice of the Government, it is for the Government to consider whether there is any lapse on the part of the Commissioner as alleged in the resolution, or in any representation to the Government by any affected party. Merely because resolution is passed, it is not binding on the Government, and no such provision has been brought to my notice. In that view of the matter, the petitioners, by way of direction in the nature of Writ of Mandamus, cannot seek such a declaration to declare the action of the respondents in failing to implement the resolution dated 24-12-2005, as illegal.

4. The Writ Petition is devoid of merits and is accordingly dismissed at the admission stage.

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JUSTICE R. SUBHASH REDDY.

February 16, 2006

MRR